

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Shigetomo Tsujihata et al.

Group Art Unit: 1774

Application No.: 10/715,600

Examiner: Pamela R. Schwartz

Filed: November 19, 2003

For: INK JET RECORDING SHEET

DECLARATION UNDER 37 C.F.R. §1.132

Honorable Commissioner of Patents and Trademarks

P.O. Box 1450, Alexandria, Virginia 22313-1450

Sir:

I, Shigetomo Tsujihata, do declare and state as follows:

I graduated from the Graduate School of Kyoto University, Department of Agriculture, Faculty of Forest Engineering with a master's degree in Agriculture in March 1996;

I joined Fuji Photo Film Co., Ltd. in August 2000, and since that time I have been engaged in research and development of polymer materials;

I am a co-inventor of the subject matter disclosed and claimed in the above-identified application; and

I am familiar with the Office Action of March 6, 2007, and understand that the Examiner has rejected Claims 1, 3, and 6-10

under 35 U.S.C. § 103(a) as being unpatentable over Kojima et al. (U.S. Patent No. 4,830,911) in view of Sugiyama et al. (U.S. Patent No. 6,773,770).

It is believed that the evaluation results obtained by using the polymer used in Comparative example 3 of the specification of the present application can be recognized as almost the same as those obtained by using the polymer D used in Example 4 of Kojima et al, and thus it is believed that those skilled in the art would approve to employ Comparative example 3 of the specification of the present application as a nearest example of Example 4 of Kojima et al.

The above is based on the following facts.

Namely, column 6, lines 42 to 44 Kojima et al teaches that the polymer D of Kojima et al is formed by reacting 67.4 g of  $\beta$ -methacryloyloxyethyltrimethyl ammonium chloride and 3.2 g of styrene, namely, by reacting 0.325 mol of  $\beta$ -methacryloyloxyethyltrimethyl ammonium chloride and 0.0307 mol of styrene. The molar ratio of the  $\beta$ -methacryloyloxyethyltrimethyl ammonium chloride / styrene used for forming the polymer D of Kojima et al is thus 0.325 mol/0.0307 mol = 10.5/1, which is near to the ratio of structural unit ratio of "9:1" of the polymer D as shown in column 9 of Kojima et al.

The polymer used in Comparative example 3 of the specification of the present application is formed by reacting 103.8 parts by mass of 2-methacryloyloxyethyltrimethyl ammonium chloride (namely,  $\beta$ -methacryloyloxyethyltrimethyl ammonium chloride) and 5.20 parts by mass of styrene, namely, by reacting 0.5 mol of 2-methacryloyloxyethyltrimethyl ammonium chloride and 0.05 mol of styrene. The molar ratio of the 2-methacryloyloxyethyltrimethyl ammonium chloride / styrene used for forming the polymer used in Comparative example 3 of the specification of the present application is thus 0.5 mol/0.05 mol = 10/1, which is near to the molar ratio of "10.5/1" for forming the polymer D of Kojima et al.

There is no particular difference which may result in structural differences of reaction products between the reaction conditions used for forming the polymer used in Comparative example 3 of the specification of the present application and those for forming the polymer D of Kojima et al.

Accordingly, the polymer used in Comparative example 3 of the specification of the present application is believed to have almost the same structure as the polymer D used in Example 4 of Kojima et al.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information

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and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

DATE: July 3, 2007

Shigetomo Tsujihata

Shigetomo TSUJIHATA